HENNIGAN, BENNETT & DORMAN LLP
RODERICK G. DORMAN (SBN 96908)
ALAN P. BLOCK (SBN 143783)
KEVIN SHENKMAN (SBN 223315)
601 South Figueroa Street, Suite 3300
Los Angeles, California 90017
Phone: (213) 694-1200
Fax: (213) 694-1234
dormanr@hbdlawyers.com
blocka@hbdlawyers.com
shenkmank@hbdlawyers.com

Attorneys for Plaintiff
ACACIA MEDIA TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. 05 CV 01114 JW **[PROPOSED] ORDER GRANTING PLAINTIFF ACACIA MEDIA TECHNOLOGIES CORPORATION'S MOTION FOR LEAVE TO FILE A MOTION FOR RECONSIDERATION OF CERTAIN CLAIM CONSTRUCTION TERMS CONSTRUED BY THE COURT IN ITS THIRD CLAIM CONSTRUCTION ORDER AND ITS FOURTH CLAIM CONSTRUCTION ORDER** DATE: May 7, 2007 TIME: 9:00 a.m. CTRM: Hon. James Ware

Dockets.Justia.com

The Court, having considered Plaintiff's Motion for Leave to File a Motion For Reconsideration Of Certain Claim Construction Terms Construed By The Court In Its Third Claim Construction Order And Its Fourth Claim Construction Order and Defendants' Opposition thereto, and finding good cause thereon, hereby GRANTS Plaintiff's motion.

Plaintiff is granted leave to file a motion for reconsideration of the Court's construction of the claim terms and phrases addressed in Plaintiff's motion. Plaintiff is also granted leave to submit expert declaration(s) supporting its motion for reconsideration and Defendants are also granted leave to submit expert declaration(s) in support of their Opposition(s). The briefing schedule on Plaintiff's motion for reconsideration shall be as follows:

- Plaintiff shall file its opening brief and any expert declaration(s) by ___________;
- Defendants shall file their opposition brief(s) and any expert declaration(s) by _________;
- Plaintiff shall file its reply brief by _____________________; and
- The hearing on Plaintiff's motion for reconsideration shall occur on ______________________, 2007 at _____ __.m.

IT IS SO ORDERED.

DATED: ________________________ ____
United States District Judge

Presented by:

HENNIGAN, BENNETT & DORMAN LLP

/S/ Roderick G. Dorman
Roderick G. Dorman

Attorneys for Plaintiff,
ACACIA MEDIA TECHNOLOGIES CORPORATION

PROOF OF SERVICE

STATE OF CALIFORNIA,)
) SS.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 865 South Figueroa Street, Suite 2900, Los Angeles, California 90017.

On March 26, 2007, I served a copy of the within document described as [proposed] order granting PLAINTIFF ACACIA MEDIA TECHNOLOGIES CORPORATION'S **MOTION FOR LEAVE TO FILE A MOTION FOR RECONSIDERATION OF CERTAIN CLAIM CONSTRUCTION TERMS CONSTRUED BY THE COURT IN ITS THIRD CLAIM CONSTRUCTION ORDER AND ITS FOURTH CLAIM CONSTRUCTION ORDER** on the interested parties in this action by transmitting via United States District Court for the Northern District of California Electronic Case Filing Program the document listed above by uploading the electronic files for each of the above listed documents on this date, addressed as set forth on the attached Service List.

The above-described document was also transmitted to the parties indicated below, by Federal Express only.

Chambers of the Honorable James Ware
Attn: Regarding Acacia Litigation
280 South First Street
San Jose, CA 95113
3 copies

I am readily familiar with Hennigan, Bennett & Dorman LLP's practice in its Los Angeles office for the collection and processing of federal express with Federal Express.

Executed on March 26, 2007, at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/S/ Lisa Spears-McCorry
Lisa Spears-McCorry

SERVICE LIST

Juanita R. Brooks Todd G. Miller Fish & Richardson 12390 El Camino Real San Diego, California 92130-2081 ***Counsel for:*** ***ACMP LLC; Ademia Multimedia LLC; Adult Entertainment Broadcast Network; Adult Revenue Services; Audio Communications; CJ Inc.; Club Jenna Inc.; Cyber Trend Inc.; Cybernet Ventures Inc.; Game Link Inc.; Global AVS Inc.; Innovative Ideas International; Lightspeedcash; National A-1 Advertising Inc.; New Destiny Internet Group LLC; VS Media Inc.***	Jonathan E. Singer William R. Woodford Fish & Richardson 60 South Sixth Street, Suite 3300 Minneapolis, Minnesota 55402 ***Counsel for:*** ***ACMP LLC;Ademia Multimedia LLC; Adult Entertainment Broadcast Network; Adult Revenue Services; Audio Communications; CJ Inc.; Club Jenna Inc.; Cyber Trend Inc.; Cybernet Ventures Inc.; Game Link Inc.; Global AVS Inc.; Innovative Ideas International; Lightspeedcash; National A-1 Advertising Inc.; New Destiny Internet Group LLC; VS Media Inc.***
Victor De Gyarfas William J. Robinson Foley & Lardner 2029 Century Park E, 35th Floor Los Angeles, California 90067 ***Counsel for:*** ***International Web Innovations, Inc.***	Gary A. Hecker James Michael Slominski Hecker Law Group 1925 Century Park East, Suite 2300 Los Angeles, California 90067 ***Counsel for:*** ***Offendale Commercial Limited BV***
Mark D. Schneider Gifford, Krass, Groh, Sprinkle, Anderson and Citkowski 280 N. Old Woodward Avenue, Suite 400 Birmingham, Michigan 48009-5394 ***Counsel for:*** ***Askcs.com Inc.***	Alfredo A. Bismonte Daniel H. Fingerman Bobby T. Shih Mount & Stoelker, P.C. River Park Tower, 17th Floor 333 W. San Carlos St. San Jose, CA 95110 ***Counsel for:*** ***Askcs.com Inc.***
Adam Robert Alper David Allen York Latham & Watkins 135 Commonwealth Drive Menlo Park, California 94025 ***Counsel for:*** ***AP Net Marketing Inc.; ICS Inc.***	Rachel Krevans Jason A. Crotty Paul A. Friedman Morrison & Foerster LLP 425 Market Street San Francisco, California 94105-2482 ***Counsel for:*** ***Satellite LLC; Echostar Technologies Corporation; Echostar Communications Corporation***
David C. Doyle Morrison & Foerster LLP 3811 Valley Centre Dr., Suite 500 San Diego, California 92130 ***Counsel for:*** ***Echostar Technologies Corporation***	

Annemarie A. Daley Stephen P. Safranski Robins Kaplan Miller & Ciresi LLP 2800 LaSalle Plaza 800 LaSalle Avenue Minneapolis, Minnesota 55402 ***Counsel for:*** ***Coxcom, Inc.; Hospitality Network, Inc.***	Richard R. Patch J. Timothy Nardell Coblentz, Patch, Duffy & Bass LLP One Ferry Building, Suite 200 San Francisco, California 94111-4213 ***Counsel for:*** ***Coxcom, Inc.; Hospitality Network, Inc.***
Jeffrey H. Dean Kevin D. Hogg Bradford P. Lyerla Carl E. Myers Marshall Gerstein & Borun LLP 6300 Sears Tower 233 South Wacker Drive Chicago, Illinois 60606 ***Counsel for:*** ***Armstrong Group; Arvig Communication Systems; Charter Communications, Inc.; East Cleveland TV and Communications LLC; Massillon Cable TV, Inc.; Wide Open West LLC***	William R. Overend Morgan D. Tovey Reed Smith Crosby Heafey Two Embarcadero Center, Suite 2000 San Francisco, California 94111 ***Counsel for:*** ***Charter Communications, Inc.***
Daralyn J. Durie Joshua H. Lerner David J. Silbert Keker & Van Nest LLP 710 Sansome Street San Francisco, California 94111 ***Counsel for:*** ***Comcast Cable Communications, LLC; Insight Communications, Inc.***	Victor G. Savikas Kevin G. McBride Maria K. Nelson Marsha E. Mullin Jones Day 555 South Flower Street, 50th Floor Los Angeles, California 90071 ***Counsel for:*** ***DirecTV Group, Inc.***
Stephen E. Taylor Jan J. Klohonatz Taylor & Co. Law Offices, Inc. One Ferry Building, Suite 355 San Francisco, California 94111 ***Counsel for:*** ***Mediacom Communications Corporation***	Mitchell D. Lukin Baker Botts L.L.P. One Shell Plaza 910 Louisiana Houston, Texas 77022 ***Counsel for:*** ***Mediacom Communications Corporation; Bresnan Communications***
Jeffrey D. Sullivan Michael J. McNamara Baker Botts L.L.P. 30 Rockefeller Plaza New York, New York 10112 ***Counsel for:*** ***Mediacom Communications Corporation; Bresnan Communications***	Rebecca Anne Bortolotti John Christopher Reich Albert L. Underhill Merchant & Gould 80 S. 8th Street, Suite 3200 Minneapolis, Minnesota 55402 ***Counsel for:*** ***Arvig Communications Systems; Cannon Valley Communications, Inc.; Loretel Cablevision; Mid-Continent Media, Inc.; Savage Communications, Inc.; Sjoberg's Cablevision, Inc.; US Cable Holdings LP***

Sean David Garrison Robert Francis Copple Lewis & Roca LLP 40 N. Central Avenue Phoenix, Arizona 85004-4429 ***Counsel for:*** ***Cable America Corp.***	C. Mark Kittredge Perkins Coie Brown & Bain PA P.O. Box 400 Phoenix, Arizona 85001-0400 ***Counsel for:*** ***Cable One Inc.***
Troy Blinn Forderman George Chun Chen Bryan Cave LLP 2 N. Central Avenue, Suite 2200 Phoenix, Arizona 85004-4406 ***Counsel for:*** ***Cable System Service Inc.***	Gregory T. Spalj Fabyanske Westra & Hart PA 800 LaSalle Avenue, Suite 1900 Minneapolis, Minnesota 55402 ***Counsel for:*** ***Cable System Service, Inc.***
Patrick J. Whalen Spencer Fan Britt & Brown LLP 1000 Walnut Street, Suite 1400 Kansas City, Missouri 64106 ***Counsel for:*** ***NPG Cable Inc.***	Fritz Byers 824 Spitzer Bulding 520 Madison Avenue Toledo, Ohio 43604 ***Counsel for:*** ***Block Communications, Inc.***
Clay K. Keller Buckingham, Doolittle & Burroughs 50 South Main Street Akron, Ohio 44308 ***Counsel for:*** ***Nelsonville TV Cable, Inc.***	Melissa G. Ferrario Barry S. Goldsmith Gary H. Nunes Womble Carlyle Sandridge & Rice 8065 Leesburg Pike, Fourth Floor Tysons Corner, VA 22182 ***Counsel for:*** ***Nelsonville TV Cable, Inc.***
Christopher B. Fagan Fay Sharpe Fagan Minnich & McKee 1100 Superior Avenue, Seventh Floor Cleveland, Ohio 44114-2518 ***Counsel for:*** ***Armstrong Group; East Cleveland TV and Communications LLC; Massillon Cable TV, Inc.; Wide Open West, LLC***	Stephen S. Korniczky James V. Fazio Paul Hastings Janofsky & Walker LLP 3579 Valley Centre Drive San Diego, CA 92130 ***Counsel for:*** ***Cebridge Connections***
Benjamin Hershkowitz Goodwin Proctor LLP 599 Lexington Avenue New York, NY 10022 ***Counsel for:*** ***CSC Holdings, Inc.***	David S. Benyacar Daniel Reisner Kaye Scholar LLP 425 Park Avenue New York, NY 10022 ***Counsel for:*** ***Time Warner Cable, Inc.***